

Message Text

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R 121142Z AUG 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 1061
INFO AMEMBASSY BERLIN
USMISSION USBERLIN
AMCONSUL BREMEN
AMCONSUL DUSSELDORF
AMCONSUL FRANKFURT
AMCONSUL HAMBURG
AMCONSUL STUTTGART

C O N F I D E N T I A L SECTION 01 OF 02 BONN 14727

E.O. 11652: GDS
TAGS: PINT, ASEC, GW, US
SUBJECT: A NEW CHAPTER IN THE FRG DEBATE ON TERRORISM

REFS: (A) BONN 308 (B) BONN 386 (C) BONN 476

FRANKFURT FOR RSS

SUMMARY. IN THE COURSE OF A POLITICAL DEBATE WITH THE
SCHMIDT GOVERNMENT ON HOW BEST TO COMBAT FRG TERRORISM,
A CDU LEADER (ALBRECHT) HAS CLAIMED THAT CONVICTED
TERRORISTS ARE PLANNING NEW MURDERS, INCLUDING A STRIKE
AGAINST THE AMERICAN AMBASSADOR IN BONN, AFTER THEIR
RELEASE FROM JAIL. (WE REPORTED THIS PARTICULAR THREAT
AGAINST THE AMBASSADOR LAST JANUARY, AND WE FIND NO NEW
EVIDENCE TO SUPPORT IT). THE SCHMIDT GOVERNMENT HAS
EXAMINED ALBRECHT'S EVIDENCE AND DENIED HIS GENERAL
CLAIM, THEREBY REAFFIRMING ITS EARLIER OPPOSITION TO
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AN EXPANDED USE OF PREVENTIVE DETENTION AGAINST
TERRORISTS. THE ALBRECHT CHARGE OPENS A NEW CHAPTER
IN THE ONGOING FRG DEBATE ON TERRORISM AND WHAT TO DO
ABOUT IT. END SUMMARY.

1. DURING THE JULY 7 BUNDESRAT (UPPER HOUSE) DEBATE ON
TERRORISM, LOWER SAXONY MINISTER-PRESIDENT ALBRECHT

(CDU), WHILE DEFENDING OPPOSITION EFFORTS TO TIGHTEN UP THE FRG PENAL CODE BY APPLYING PREVENTIVE DETENTION TO FIRST OFFENDERS SUSPECTED OF PLANNING MAJOR CRIMES, CLAIMED TO HAVE HARD EVIDENCE THAT CONVICTED TERRORISTS INTEND TO COMMIT MURDER AFTER THEIR RELEASE FROM PRISON.

2. THE RECORD SHOWS THAT ALBRECHT SAID (INFORMAL EMBASSY TRANSLATION): "...I CAN SHOW THAT THERE ARE TERRORISTS WHOM WE SHALL HAVE TO RELEASE AND WHOSE MURDER PLANS ARE ALREADY KNOWN TO US TODAY ... WE CAN EVEN CITE THE NAMES OF PERSONS WHO ARE TO BE MURDERED...."

3. SPD POLITICIANS AND TOP FRG JUSTICE OFFICIALS IMMEDIATELY CHALLENGED ALBRECHT TO PROVE THIS CHARGE, WHICH -- IF TRUE -- WOULD BE EVIDENCE OF CRIMES PUNISHABLE UNDER FEDERAL LAW. HOWEVER, ALBRECHT PLAYED COY AND SOUGHT INSTEAD A PRIVATE MEETING WITH JUSTICE MINISTER VOGEL (SPD). AFTER AN INCONCLUSIVE EXCHANGE OF LETTERS, VOGEL ORDERED FEDERAL PROSECUTOR REBMANN LATE LAST MONTH TO GO TO HANNOVER TO LOOK AT ALBRECHT'S EVIDENCE.

4. ON AUGUST 8, VOGEL ANNOUNCED THAT ALBRECHT HAD FAILED TO BACK UP HIS JULY 7 CHARGE. HE DECLARED THAT REBMANN, AFTER TALKING WITH LOWER SAXONY OFFICIALS, HAD CONFIDENTIAL

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FOUND NO CAUSE TO OPEN A FEDERAL INVESTIGATION AND NO CONNECTION BETWEEN HANNOVER'S INFORMATION AND THE PENDING RELEASE OF CONVICTED PERSONS.

5. ADDRESSING SPECIFIC CDU/CSU POSITIONS ON INTERNAL SECURITY, VOGEL ALSO DENIED THAT A "WAVE" OF CONVICTED TERRORISTS IS ABOUT TO BE RELEASED FROM PRISON; HE SAID THAT ONLY "FIVE OR SIX" WILL COMPLETE THEIR SENTENCES IN THE "NEXT FEW YEARS." VOGEL ALSO CLAIMED THAT: REHABILITATION OF CONVICTS SUCCEEDS MORE OFTEN THAN IS WIDELY BELIEVED; IN ONLY A FEW CASES HAVE CONVICTED TERRORISTS COMMITTED NEW CRIMES AFTER THEIR RELEASE; AND CDU/CSU PROPOSALS ON PREVENTIVE DETENTION, EVEN HAD THEY BEEN LAW AT THE TIME, WOULD NOT HAVE SUFFICED TO PREVENT MOST OF THESE CASES OF TERRORIST RECIDIVISM.

6. IN REPLY, LOWER SAXONY JUSTICE MINISTER SCHMID (CDU) ANNOUNCED ON AUGUST 9 THAT THE IMPRISONED TERRORIST, RONALD AUGUSTIN, IN A TALK WHICH TOOK PLACE 12-18 MONTHS AGO, HAD DECLARED HIS INTENTION TO RETURN TO THE UNDERGROUND AND "TO KILL THE AMERICAN AMBASSADOR IN BONN" AFTER HIS RELEASE IN 1979. SCHMID CLAIMED THAT HANNOVER

HAD OTHER EVIDENCE TO BACK UP ALBRECHT'S STATEMENT, BUT
HE GAVE NO DETAILS. SUBSEQUENTLY, FRG OFFICIALS IN BONN

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CLAIMED THAT SCHMID HAD NOT MENTIONED AUGUSTIN DURING
HIS TALKS WITH THE FEDERAL PROSECUTOR.

7. ALBRECHT'S COMMENT IN THE BUNDESRAT HAS SPARKED A
MINOR STORM OF OLD PASSIONS AND OLD ARGUMENTS ON HOW TO
COMBAT TERRORISM:

(A) SO FAR, MOST EDITORIAL COMMENT FAULTS
ALBRECHT FOR SAYING TOO MUCH ON JULY 7, WAIT-
ING TOO LONG TO PRODUCE HIS EVIDENCE, AND COMING
UP WITH INSUFFICIENT PROOF.

(B) THE SPD, IN BONN AND IN HANNOVER, ACCUSES
ALBRECHT OF EITHER DELIBERATELY MISSTATING THE
FACTS ON JULY 7 OR OF SUPPRESSING MATERIAL
EVIDENCE. THE SPD PLANS TO RAISE THE ISSUE
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IN THE BUNDESTAG SO AS TO FORCE THE SCHMIDT
GOVERNMENT TO TAKE A FORMAL STAND ON:
ALBRECHT'S CLAIMS, THE REVIEW OF HIS EVIDENCE,
AND THE MERITS OF THE CDU/CSU EFFORT TO APPLY
PREVENTIVE DETENTION TO FIRST OFFENDERS.

8. COMMENT. WE VIEW ALBRECHT'S STATEMENT PRIMARILY IN
TERMS OF THE ONGOING FRG DEBATE ON TERRORISM. IN
JANUARY (REFS), WE REPORTED THE AUGUSTIN THREAT AND
TOOK STEPS TO TIGHTEN SECURITY AROUND THE AMBASSADOR.
SINCE THAT TIME, WE HAVE SEEN NO EVIDENCE THAT THIS
THREAT HAS INCREASED. NOTHING THAT ALBRECHT HAS SAID
OR PRODUCED IN THE WAY OF EVIDENCE SUGGESTS THE NEED
FOR US TO TAKE NEW PRECAUTIONS.

9. IN ITS LONG DEBATE ON WAYS TO COMBAT TERRORISM,
THE FRG HAS LABORED TO BALANCE THE RIGHTS OF SOCIETY
AGAINST THE RIGHTS OF INDIVIDUALS (INCLUDING THE RIGHT
OF CONVICTED TERRORISTS TO A CHANCE FOR REHABILITA-
TION). POLITICAL, EMOTIONAL, AND OBJECTIVE FACTORS
CONDITION THIS DEBATE; THEY EXPLAIN ITS INTENSITY AND
DURATION. AT BEST, THE EVIDENCE ON RECIDIVISM AMONG
FRG TERRORISTS, IN CONTRAST TO OTHER GROUPS OF PRISON-
ERS, IS THIN. PARTLY FOR THIS REASON, THE UTILITY OF
PREVENTIVE DETENTION AS A WEAPON AGAINST TERRORISM IS
NOT CLEAR. NEVERTHELESS, DEBATE ON THE ALBRECHT STATE-
MENT AND ON THE MERITS OF PREVENTIVE DETENTION WILL GO
ON, DUE TO PUBLIC CONCERN OVER TERRORISM, AND THE IN-
EVITABLE POLITICAL EFFORTS TO EXPLOIT IT. END COMMENT.
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